

Message Text

SECRET

PAGE 01 SAN JO 05057 01 OF 02 032219Z
ACTION ARA-14

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FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9212
AMEMBASSY MANAGUA IMMEDIATE

S E C R E T SECTION 1 OF 2 SAN JOSE 5057

FROM WHITE

E.O.11652: XGDS-1
TAGS: OAS, CS, NU
SUBJECT: AD HOC COMMITTEE REVIEWS NICARAGUAN AND COSTA RICAN
H EVIDENCE

REF: A) STATE 259593, B) MANAGUA 5005, C) SAN JOSE 5036

1. SUMMARY: AD HOC COMMITTEE HAS HEARD PRESENTATIONS FROM FONMIN GONZALO FACIO, MIN SECURITY MARIO CHARPENTIER AND PRESIDENT OF COSTA RICA DANIEL ODUBER, SEEN PHOTOS AND VIDEO TAPES FILMED BY MEDIA REPS WITH CHARPENTIER PARTY ON OCTOBER 14 AND VISITED SITE OF INCIDENT NORTH OF LOS CHILES. COSTA RICAN GOVERNMENT PRESENTED VERSION OF EVENTS THAT CONTRADICTED IN ALMOST EVERY DETAIL CASE PRESENTED BY GON. DEPTTEL EXPRESSED CONFUSION OVER OUR TENTATIVE CONCLUSION NICARAGUAN CASE WAS WEAK DESPITE VIDEOTAPE EVIDENCE GON PROVIDED THAT SHOWED COSTA RICAN PARTY PASSED FRONTIER MARKER AND PENETRATED DEEP INTO NICARAGUAN TERRITORY BEFORE WARNING ATTACK OCCURRED. OVERALL, GON CASE QPPEARED TO US REPS A JERRY-BUILT STRUCTURE OF ASSERTIONS, HALF TRUTHS, INNUENDOS AND IR-RESPONSIBLE CHARGES AGAINST COSTA RICA. ONLY IRREFUTABLE
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SECRET

PAGE 02 SAN JO 05057 01 OF 02 032219Z

EVIDENCE THEN WAS VIDEOTAPE ITSELF, NOW IN COMMITTEE'S POSSESSION, SHOWING VIOLATION OF NICARAGUA'S FRONTIER IN COLOR FILM PRODUCED FOR COSTA RICAN TELEVISION.

2. ON THE AFTERNOON OF OCTOBER 31, COMMITTEE SAW COSTA RICAN VERSION OF SAME VIDEOTAPE, IDENTICAL IN ALL RESPECTS EXCEPT SCENES OF BORDER CROSSING, WHERE CHARPENTIER PARTY

IS SHOWN STOPPING AT MARKER, TURNING BACK TOWARD LOS CHILES AND PROCEEDING SOME CONSIDERABLE DISTANCE INTO COSTA RICAN TERRITORY BEFORE ATTACK TOOK PLACE. ON NOVEMBER 1, COMMITTEE VISITED SITE WHERE COSTA RICANS ALLEGE ATTACK OCCURRED, BETWEEN ONE AND TWO KILOMETERS INSIDE ITS TERRITORY, AND FOUND COMPELLING EVIDENCE -- INCLUDING ROCKET CRATER WHERE METAL FRAGMENTS WERE RECOVERED FOR BALLISTIC ANALYSIS, TAPE-RECORDED TESTIMONY OF NEWSMEN AND LOCAL RESIDENTS, PHOTOGRAPHS WITH IDENTICAL LANDMARKS SHOWING NICARAGUAN SOLDIERS ALIGHTING FROM HELICOPTERS -- THAT ATTACK DID INDEED OCCUR INSIDE COSTA RICA. THUS TAPE MUST HAVE BEEN DOCTORED. REGARDLESS OF CONCLUSIONS OR LACK OF CONCLUSIONS IN REPORT, THE FACTS PRESENTED BY COMMITTEE WILL INDICATE THAT NICARAGUAN CASE IS NOT ONLY WEAK BUT RESTS ON FALSE TESTIMONY, BASELESS ACCUSATIONS AND PROBABLY ALTERED TAPES. END SUMMARY.

3. IN RESPONSE TO REFTEL (A), THIS MESSAGE CONTAINS OUR ASSESSMENT OF THE STRENGTH OF RESPECTIVE CASES FROM VIEWPOINT OF AD HOC COMMISSION. SEPARATE COMMENT FROM U.S. REPS AS TO BROADER IMPLICATIONS FOLLOWS IN SEPTTEL.

4. DEPARTMENT EXPRESSED CONFUSION OVER APPARENT CONTRADICTION BETWEEN OUR JUDGEMENT THAT NICARAGUA HAD RELATIVELY WEAK CASE GIVEN OUR BELIEF (BASED ON VIDEOTAPE SECRET

SECRET

PAGE 03 SAN JO 05057 01 OF 02 032219Z

PROVIDED TO COMMISSION BY GON) THAT CHARPENTIER PARTY WAS GUILTY OF SUBSTANTIAL INCURSION INTO NICARAGUA TERRITORY AND FACT WE DID NOT BELIEVE GON PILOTS SHOT TO KILL. FROM THE OUTSET, GON'S COMBINATION OF BULLYING TACTICS AND CONTRADICTORY ASSERTIONS SUGGESTED NICARAGUA FEARED COMMISSION WOULD GET AT TRUTH AND MAKE STRAIGHTFORWARD REPORT TO OAS.

5. FOLLOWING MEETINGS WITH FONMIN FACIO, PRESIDENT ODUBER AND SECURITY MIN CHARPENTIER ON OCTOBER 31, COSTA RICAN AUTHORITIES SHOWED COMMISSION MEMBERS SAME VIDEOTAPE THEY HAD SEEN IN MANAGUA. TAPE IS IDENTICAL IN ALL RESPECTS EXCEPT FOR SCENES FILMED AT BORDER. GON VERSION, WHICH WE HAVE IN OUR POSSESSION, SHOWED LAUNCHES REACHING BORDER MARKER, TAKING CAREFUL NOTE OF IT, AND THEN MOVING NORTH FOR CONSIDERABLE DISTANCE INTO NICARAGUAN TERRITORY BEFORE WARNING ATTACK TOOK PLACE. COSTA RICAN VIDEOTAPE SHOWS CHARPENTIER PARTY STOPPING AT MARKER, TURNING LAUNCHES AROUND AND HEADING DOWNRIVER FOR BETWEEN ONE AND TWO KILOMETERS BEFORE PLANES ATTACKED WELL WITHIN COSTA RICAN TERRITORY. DISPARITY IN OTHERWISE IDENTICAL TAPES, BOTH PRODUCED

BY PRIVATE SAN JOSE TELEVISION STATION, SUGGESTS THAT
EITHER COSTA RICA OR NICARAGUA TAMPERED WITH TAPES
IT OFFERED AS EVIDENCE TO INTERNATIONAL FACTFINDING
BODY.

6. ON OCTOBER 27 COMMISSION VISITED THE NICARAGUAN SIDE
OF THE BORDER, INSPECTED THE MILITARY POST AT SAN
CARLOS ATTACKED BY FSLN (SANDINISTA FRONT OF NATIONAL
LIBERATION) ELEMENTS ON OCTOBER 13 AND TRAVELLED ALONG
THE RIO FRIO BORDER AREA AS FAR AS THE COSTA RICAN
FRONTIER. REGARDING GON CHARGES OF COSTA RICAN COM-
PLICITY IN THE ATTACK ON SAN CARLOS, THE NATIONAL GUARD
OFFICER IN CHARGE TOLD THE COMMISSION THAZ HE KNEW ALMOST
ALL THE TWENTY-FIVE ATTACKERS AND THAT ALL THOSE HE KNEW
SECRET

SECRET

PAGE 04 SAN JO 05057 01 OF 02 032219Z

WERE YOUNG NICARAGUANS FROM THE SAN CARLOS AREA WHO HAD
GATHERED THERE TWO DAYS BEFORE THE ATTACK. HE SAID IT
WAS POSSIBLE ONE OR TWO ATTACKERS COULD HAVE HAD COSTA
RICAN NATIONALITY, GIVEN THE MIXED POPULATION IN THE
BORDER REGION. HE BELIEVED THEY HAD RECEIVED SOME RUDI-
MENTARY TRAINING ON THE ISLAND OF SOLENTINAME IN
NICARAGUAN TERRITORY AND HAD NOT ENTERED FROM COSTA RICA.
HIS ASSESSMENT WAS CORROBORATED BY TESTIMONY COMMISSION
MEMBERS TOOK IN PRIVATE FROM THREE CAPTURED MEMBERS OF
THE ATTACKING PARTY. THIS POINT IS IMPORTANT BECAUSE IT
CONTRADICTS NICARAGUA'S ASSERTION THAT MANY COSTA RICANS
TOOK PART IN AN ATTACK MOUNTED ON SAN CARLOS FROM COSTA
RICAN TERRITORY.

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PAGE 01 SAN JO 05057 02 OF 02 032222Z
ACTION ARA-14

INFO OCT-01 ISO-00 ACDA-12 CIAE-00 INR-07 NSAE-00
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S E C R E T SECTION 2 OF 2 SAN JOSE 5057

7. AT THE BORDERNFVEA, THE NICARAGUAN AUTHORITIES COULD SHOW THE COMMISSION NO EVIDENCE TO FIX THE PLACE OF THE ATTACK. THE NICARAGUAN AIR FORCE PILOTS INVOLVED IN THE INCIDENT ASSERTED THEY HAD NEVER OVERFLOWN COSTA RICAN TERRITORY AND HAD ONLY FIRED WARNING SHOTS -- THREE ROCKETS PLUS MACHINEGUN BURSTS -- INSIDE NICARAGUAN TERRITORY DURING A PERIOD OF FIVE TO TEN MINUTES. NICARAGUAN MINISTER OF DEFENSE GENERAL HEBERTO SANCHEZ DENIED ANY KNOWLEDGE THAT COSTA RICA'S SECURITY MINISTER CHARPENTIER AND A PARTY OF NEWSMEN INTENDED TO VISIT THE BORDER AREA NORTH OF LOS CHILES BEFORE THE INCIDENT OF OCTOBER 14 TOOK PLACE. GENERAL SANCHEZ SAID HE PERSONALLY HAD AUTHORIZED FIRING WARNING SHOTS TO IMMOBILIZE THREE LAUNCHES FULL OF UNKNOWN PEOPLE, WHOM HE AND OTHERS SUSPECTED WERE FSLN GUERRILLAS, THAT HAD CROSSED FRONTIER AND PENETRATED ONE KILOMETER INSIDE NICARAGUAN TERRITORY. THE VIDEOTAPE WAS SUPPLIED TO THE COMMISSION AS EVIDENCE, AS WERE WRITTEN STATEMENTS FROM THE PILOTS AND THE MILITARY OFFICERS WHO HAD GONE TO THE RELIEF OF THE CHARPENTIER PARTY IN HELICOPTERS AND LAUNCHES AFTER THE WARNING SHOT HAD CAUSED THE COSTA RICANS TO IDENTIFY THEMSELVES AND ASK FOR CEASEFIRE.

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PAGE 02 SAN JO 05057 02 OF 02 032222Z

8. FOLLOWING THE BRIEFINGS IN SAN JOSE ON THE FIRST DAY OF THE COMMISSION'S VISIT, WE WERE TAKEN BY PLANE TO LOS CHILES ON NOVEMBER 1, ACCOMPANIED BY FONMIN FACIO AND MINSECURITY CHARPENTIER AS WELL AS SOME FIFTEEN TO TWENTY JOURNALISTS AND PRESS/TELEVISION CAMERAMEN WHO HAD BEEN INVOLVED IN THE OCTOBER 14 INCIDENT. GOING NORTH FROM LOS CHILES IN LAUNCHES, THE PARTY REACHED THE BORDER MARKER AND STOPPED TO TAKE PHOTOGRAPHIC AND ORAL EVIDENCE. WE THEN TURNED BACK WITHOUT ENTERING NICARAGUAN SIDE OF RIVER, AS ALL THE WITNESSES TO THE OCTOBER 14 INCIDENT INSISTED THEY HAD DONE THE DAY OF THE ATTACK, AND TRAVELLED SOUTH INTO COSTA RICAN TERRITORY FOR SOME FIVE TO SEVEN MINUTES, OR BETWEEN ONE AND A HALF AND TWO KILOMETERS. IT WAS HERE, ON THE RIGHT BANK OF THE RIO FRIO, WELL INSIDE COSTA RICAN TERRITORY, THAT ALL THE WITNESSES INSISTED THE ATTACK HAD TAKEN PLACE FOR BETWEEN ONE HOUR AND ONE HOUR AND A QUARTER AND WHERE NICARAGUAN HELICOPTERS AND LAUNCHES HAD EVENTUALLY LANDED TROOPS ON THE MORNING OF OCTOBER 14.

9. THE COMMISSION INSPECTED THE AREA FOR NEARLY TWO HOURS AND FOUND A CRATER WHERE A ROCKET EXPLODED LESS THAN TWENTY YARDS FROM THE COSTA RICANS HIDING IN THE UNDERBRUSH ALONG THE RIVERBANK. AT THE INSTRUCTIONS OF THE AD HOC COMMITTEE, SHOVELS WERE BROUGHT TO THE SITE, THE MUD-FILLED CRATER WAS EXCAVATED AND A NUMBER OF STEEL FRAGMENTS WERE COLLECTED. THE COMMITTEE CARRIED ALONG A SET OF PHOTOGRAPHS TAKEN BEFORE, DURING AND AFTER THE ATTACK. AT THE SAME SITE ON NOVEMBER 1, IT ORDERED A NEW SET OF PHOTOGRAPHS TAKEN BY THE SAME PHOTOGRAPHERS IN EXACTLY THE SAME PLACES. WE NOW HAVE BOTH SETS AND CAN COMPARE THEM. TWO OF THESE PHOTOS ARE CRUCIAL EVIDENCE. THE FIRST SHOWS THREE NICARAGUAN SOLDIERS ON THE
SECRET

SECRET

PAGE 03 SAN JO 05057 02 OF 02 032222Z

GROUND APPROACHING THE CHARPENTIER PARTY. THE SECOND PHOTOGRAPH SHOWS A NICARAGUAN CAPTAIN WHOM THE COMMISSION MEMBERS SPENT SEVERAL HOURS WITH AND WHOM THE NICARAGUAN AUTHORITIES ADMIT THEY SENT TO OFFER THE COSGK RICANS SAFE CONDUCT OUT OF NICARAGUAN TERRITORY. THE PHOTOGRAPHS TAKEN AT THE SITE ON NOVEMBER 1 DUPLICATE EXACTLY THE TREES, PLANTS AND BUSHES IN THE PHOTOS TAKEN THE DATE OF THE INCIDENT.

10. A GREAT DEAL OF OTHER EVIDENCE -- TAPED INTERVIEWS, VIDEOTAPES, PHOTOS, SWORN STATEMENTS, ETC. -- IS ALSO AVAILABLE FOR THE COMMISSION'S FINAL REPORT. THE COSTA RICAN CASE IS IRON-CLAD: NICARAGUAN PLANES OVERFLEW ITS TERRITORY, INCLUDING THE TOWN OF LOS CHILES, FOR MOST OF OCTOBER 13 AND 14 AND THE NICARAGUAN AIR FORCE LAUNCHED AN UNPROVOKED ATTACK ON THE MINISTER OF STATE OF A FRIENDLY GOVERNMENT ABOUT TWO KILOMETERS INSIDE ITS OWN TERRITORY. THAT THE NICARAGUANS DID NOT SHOOT TO KILL IS LESS IMPORTANT THAN THE FACT A ROCKET LANDED TWENTY FEET FROM THE MINISTER AND MACHINEGUN FIRE, NOTORIOUSLY IMPRECISE, WAS SPRAYED ALL OVER THE AREA. THUS, WHAT WE HAVE IS NOT A "WEAK CASE" AS DESCRIBED IN OUR EARLIER TELEGRAM BUT A DELIBERATE COVER-UP AT THE HIGHEST LEVELS OF THE NICARAGUAN GOVERNMENT, TOGETHER WITH ITS PROVISION OF FALSE TESTIMONY AND FAKE EVIDENCE TO AN INTERNATIONAL FACT-FINDING COMMITTEE.

11. U.S. REP COMMENT FOLLOWS SEPTTEL.
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